

REMARKS

In the February 2, 2004 Office Action, all of the pending claims 1-15 and 17-20 stand rejected in view of prior art. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the February 2, 2004 Office Action, Applicant has amended claims 1, 2, 6 and 20, and canceled claims 4, 9, 15 and 19 without prejudice or disclaimer. In particular, Applicant has amended claims 1, 2 and 20 to more clearly define the present invention over the prior art of record. Also, Applicant has rewritten claim 6 to depend from dependent claim 5. Thus, claims 1-3, 5-8, 10-14, 17-18 and 20 are pending, with claims 1, 2, and 20 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of the above amendments and the following comments.

Interview Summary

Applicants' representative wishes to thank Primary Examiner Kim for the opportunity to discuss the above-identified patent application during the interview of March 24, 2004. During the interview, the parties agreed that the channel of claim 3, the rails of claim 20 and the access opening partially formed in each of the casing halves of claim 6, are not shown in either the Wessel reference or the Shimirak et al. reference. Also, according to the March 24, 2004 Interview Summary, "it is the Examiner's view that the retaining elements having latching element formed on the casing and a notch element formed on the cover to lock the cover in the closed position are allowable subject matter." In response, Applicant has amended independent claims 1, 2 and 20 to recite the retaining element structures. Applicant respectfully asserts that claims 1, 2 and 20 and their dependent claims are allowable over the combination of the Wessel and Shimirak et al. references.

Rejections - 35 U.S.C. § 103

In the numbered paragraphs 1 and 2 of the Office Action, claims 1-15 and 17-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over German Patent Publication No. 19922327 (Wessel) in view of U.S. Patent No. 4,908,482 (Shimirak et al.). In response, Applicant has amended independent claims 1, 2 and 20 as indicated above.

More specifically, independent claims 1, 2 and 20 now clearly recite a bicycle shift control device including a maintenance cover that is (1) configured to move along an arcuate path substantially parallel to an outer surface of an outer casing, (2) slidably coupled to an outer casing, or (3) moveably coupled to rails of an outer casing, in which the outer casing and the maintenance cover include *a pair of complementary retaining elements* that are arranged to releasably maintain the maintenance cover in a closed position with *one of the complementary retaining elements being a recess* formed in one of the outer casing and the maintenance cover and *the other of the complementary retaining elements being a latching element*.

Clearly, *none* of these arrangements is disclosed or suggested by the combination of the Wessel and Shimirak et al. references. As mentioned above, it is the Examiner's view that the retaining element structures are allowable subject matter. Applicant respectfully asserts that claims 1, 2 and 20, as now amended, are allowable over the combination of the Wessel and Shimirak et al. references.

It is well settled in U.S. patent law that the mere fact that the prior art can be modified does *not* make the modification obvious, unless the prior art *suggests* the desirability of the modification. Accordingly, the cited prior art lacks any suggestion or expectation of success for combining the cited references to create the Applicant's unique arrangements of the bicycle shift control device including the retaining elements, as now set forth in independent claims 1, 2 and 20.

Moreover, Applicant believes that the dependent claims 3, 5-8, 10-14 and 17-18 are also allowable over the cited references in that they depend from independent claims 1, 2 and 20, and therefore are allowable for the reasons stated above. Also, the dependent claims 3, 5-8, 10-14 and 17-18 are further allowable because they include additional limitations.

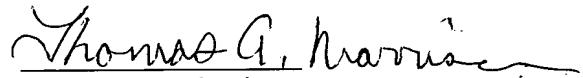
Therefore, Applicant respectfully requests that this rejection be withdrawn in view of the above comments and amendments.

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Amendment dated April 23, 2004
Reply to Office Action of February 2, 2004

In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-3, 5-8, 10-14, 17-18 and 20 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,


Thomas A. Morrison
Reg. No. 46,104

SHINJYU GLOBAL IP COUNSELORS, LLP
1233 Twentieth Street, NW, Suite 700
Washington, DC 20036
(202)-293-0444
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